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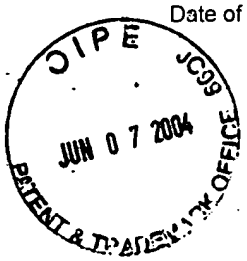

Case No.: **9683/74**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Masaaki YAMAMOTO
Yuko WATANABE
Kouji CHIBA
Masaharu NAKATSUCHI

Examiner: LY, Nghi H.

Group Art Unit No.: 2686

Serial No.: 09/720,729

Filing Date: December 27, 2000

For: MOBILE COMMUNICATION TERMINAL

SUMMARY OF INTERVIEW

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Examiner Nghi H. Ly is thanked for the courtesy of an interview extended to Applicants. The interview was held on May 26, 2004, at which Masaaki Yamamoto, one of the inventors from NTT DoCoMo Inc., Hirohisa Yamada, a manager of the Intellectual Property Department of NTT DoCoMo, Inc., and Tadashi Horie, an attorney of record from Brinks Hofer Gilson & Lione, personally appeared to meet with Examiner Ly.

First, the present invention was generally explained to the Examiner. Unique aspects of the invention were discussed for the Examiner. Among the aspects discussed was that the present invention is drawn to a mobile communication terminal

having multiple communication functionalities, such as a voice communication functionality, an electronic message communication functionality and a network browsing functionality. The definition of the claim language "standby state" was also discussed. It was explained to the Examiner that the standby state, by definition in the claim, is a state where no user action is prompted, which is realizable while the terminal is selectively implementing the multiple communication functionalities. It was also explained that while in a standby state, screen data received from a web site is displayed.

Another aspect of the invention that was also discussed at the interview was that in the present invention, screen data displayed in a particular standby state is replaceable. It was explained that in the present invention, there may be multiple images stored in memory areas and that each of the memory areas is correlatable to the particular standby state. It was then pointed out that by changing a correlation with the standby state among the multiple memory areas, different images can be seen in the standby state.

Then, using a mobile telephone brought from Japan, Inventor Yamamoto made a demonstration of the above aspects for the Examiner's understanding. The phone that was used for demonstration was capable of conducting the voice communication, the e-mail communication and the network browsing communication. However, since the wireless services were not available in the United States, the phone was operated off-line. Pictures of Masaaki Yamamoto, Hirohisa Yamada and Tadashi Horie had been taken and stored in the phone in advance and were presented to the Examiner on the screen of the phone, asking the Examiner to assume that these pictures were downloaded from a web site.

The Examiner was then shown a menu screen on the screen of the phone that showed a list of the standby states to choose from. The standby state of "dialing" was selected from the menu for convenience. It was explained to the Examiner that the "dialing state" is defined as the state in which a call is in progress after the user inputs a telephone number until the call is answered. The phone was operated by Yamamoto to correlate the picture of Tadashi Horie to the dialing state. Yamamoto then proceeded

to call a fictional number with the phone. While the call was in progress, the picture of Tadashi Horie was shown on the screen of the phone. The call was never answered because the service was no available. The phone was further operated by Yamamoto to retrieve the picture of Hirohisa Yamada and correlate it to the dialing state. The picture of Hirohisa Yamada appeared on the screen while a next call was placed.

The Examiner was then presented with a draft of amended claims. The limitations of amended claim 25 were read with the Examiner while identifying the supports in the specification for the limitations.

Then, the differences between amended claim 25 and the cited references were discussed with the Examiner. The discussion was focused particularly on the main reference, Asano et al. (U.S. Patent No. 6,349,203). It was pointed out to the Examiner that Asano only teaches a renewal of a menu screen. It was explained that each session in Asano comprises a notification to a server of a version number of the menu screen stored in a moving body terminal and that the server sends the latest menu screen to the moving body terminal if the notified version number is old. The Examiner agreed that Asano is silent about exploitation of the standby state that is realizable in implementing the communication functionalities. It was also pointed out to the Examiner that since a menu screen displayed in Asano, by its nature, prompts a user action, i.e., a selection of menu items, it should not be construed as being displayed during the standby state. The Examiner also agreed that Asano is silent about dynamically correlating screen data, or the memory area that stores the screen data, to a selected standby state.

Schwartz et al. (U.S. Patent No. 6,473,609) was the next reference discussed with the Examiner. It was explained that Schwartz discloses splitting a browser program between a server and a mobile device for the purpose of reducing computing load on the mobile terminal. It was pointed out that Schwartz discloses or teaches neither exploitation of the standby state that is realizable in implementing the communication functionalities nor dynamic correlation of screen data to a selected standby state.

The same differences were pointed out to the Examiner with respect to Gleason

(U.S. Patent No. 5,966,663).

Another issue that was discussed with the Examiner in relation to the cited references was the determination process that is made on whether or not screen data was storable. It was indicated to the Examiner that the version number of Asano cannot be an attribute of the present invention because the version number of Asano is used to renew the mane screen and not for determining whether or not received screen data is storable in the device. It was also indicated that the data size discussed in column 11, lines 22-28 of Schwartz cannot be an attribute of the present invention because Schwartz only discusses the data size in order to explain the function of the server that the server, when received data is large for the mobile terminal, reduces the data size and sends it to the mobile terminal. It was further indicated to the Examiner that Gleason is also silent about the attribute of the present invention. It was explained that the portion (column 6, lines 16-19) of Gleason referred to in the Office Action states only that the new protocol allows a sender to know whether or not a message is successfully delivered to a receiver.

Lastly, a screen saver program was discussed with the Examiner although no reference was cited in relation thereto. The differences between the present invention and the screen saver function were discussed. It was specifically pointed out that the screen saver program was designed to run on personal computers to prevent burning of fixed locations in the computer screen, not on mobile communication terminals having multiple communication functionalities, i.e., not designed to exploit the standby states realizable while implementing the communication functionalities.

Respectfully submitted,

Tadashi Horie
Registration No. 40,437
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200

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Date of Deposit: **June 7, 2004**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appln. No.:	09/720,729
Filed:	December 27, 2000
For:	MOBILE COMMUNICATION TERMINAL
Attorney Docket No:	9683/74

Examiner: LY, Nghi H.

Art Unit: 2686

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Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ 10 Pages of Amendment , 4 Pages of Summary of Interview, Petition and Fee for Extension of Time (in dup.)

☒ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☒ An extension fee in an amount of $420 for a 2-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of $_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x $9=			x $18=	
Indep.		Minus				x 43=			x $86=	
First Presentation of Multiple Dep. Claim						+$145=			+ $290=	
						Total	$		Total	$

Fee payment:

☐ A check in the amount of $_____ to cover the above-identified fee(s) is enclosed.

☒ Please charge Deposit Account No. 23-1925 in the amount of $420. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of $_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 7, 2004
Date

Tadashi Horie
Tadashi Horie (Reg. No. 40,437)